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Sentence

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

14 CR 00130

5 TERRELL RATLIFF,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 October 23, 2014  
12:00 p.m.

10  
11 Before:

12 HON. ROBERT P. PATTERSON, JR.,

13 District Judge

14  
15 APPEARANCES

16 PREET BHARARA  
17 United States Attorney for the  
18 Southern District of New York  
19 RICHARD ALAN COOPER  
20 Assistant United States Attorney

21 NATALI J.H. TODD  
22 Attorney for Defendant  
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24  
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1 (In open court; defendant present)

2 THE COURT: All right.

3 THE DEPUTY CLERK: United States v. Terrell Ratliff,  
4 government ready?

5 MR. COOPER: Richard Cooper, for the government.

6 THE COURT: Good afternoon, Mr. Cooper.

7 MS. TODD: Good afternoon, Natali Todd, your Honor,  
8 for Mr. Ratliff, also present before the Court.

9 THE COURT: Good afternoon, Ms. Todd, and good  
10 afternoon, Mr. Ratliff.

11 THE DEFENDANT: Good afternoon.

12 THE COURT: I have a presentence report, Mr. Ratliff.  
13 It was received by me on September 24th. Have the parties  
14 received the presentence report?

15 MR. COOPER: Yes, your Honor.

16 MS. TODD: Yes, your Honor.

17 THE COURT: Any changes to be made in it?

18 MR. COOPER: No, your Honor.

19 MS. TODD: No, your Honor.

20 THE COURT: I still haven't gotten -- Robert. Oh, did  
21 he walk out?

22 THE CLERK: Yes.

23 THE COURT: I still have not gotten the Roberto Grant  
24 minutes for review.

25 In addition to the presentence report, I have been

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1 handed a work performance rating for Mr. Ratliff, dated  
2 October 10th, and showing his work as a sanitation orderly from  
3 March 1st to the present.

4 I still haven't gotten the Roberto Grant --

5 THE DEPUTY CLERK: Right. I'll go up and get it right  
6 now, Judge.

7 THE COURT: I'm showing that from March 1 to the  
8 present, he has worked as a sanitation orderly. And that the  
9 quality of his work is outstanding. And he needs little  
10 supervision. And he has a record of dependability and  
11 promptness. Makes a real effort to please the instructor.  
12 Works well with others. And he is proficient at his job. He  
13 has the recommendation that his pay be raised, but that he be  
14 kept at the same job. It's signed by Mr. Wingate, October 9th.

15 And then I also have a sentencing submission from  
16 Mr. Cooper, which I received on October 21st. And a sentencing  
17 memorandum from Ms. Todd filed October 3.

18 Should I have any other documents? I have read those  
19 documents. Should I --

20 MS. TODD: Not from the defense, your Honor.

21 MR. COOPER: Nor from the government, your Honor.

22 THE COURT: Okay. And I have Mr. Grant's plea  
23 allocution. And I see that I did approve it on October 3rd.

24 Is there anything else that should be before me?

25 MR. COOPER: Sorry, your Honor. Were you referring to

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1 Mr. Ratliff's plea allocution?

2 THE COURT: No, Mr. Grant's, the co-defendant.

3 MR. COOPER: I see, thank you.

4 THE COURT: Okay? Anything else.

5 MR. COOPER: No, your Honor.

6 THE COURT: Anything else, Ms. Todd?

7 MS. TODD: No, your Honor.

8 THE COURT: All right, then. I'll hear from you on  
9 sentence.

10 Ms. Todd.

11 MS. TODD: Thank you, your Honor.

12 Your Honor, first, I want to acknowledge Mr. Ratliff's  
13 family who is seated in the audience in the second row and  
14 third row. It's his mother, and to the right of the Court is  
15 his brother, and to the left of his brother is two cousins who  
16 are here today in support of him.

17 THE COURT: All right, thank you.

18 MS. TODD: Judge, Mr. Ratliff does recognize that he  
19 committed a crime and, for that, he expresses deep remorse and  
20 he takes full responsibility for his conduct in the crime that  
21 he pleaded guilty to before this Court.

22 Judge, we have expressed a lot in our written  
23 submission. And I certainly do not want the Court to take that  
24 as an excuse for what Mr. Ratliff did, up to the point when he  
25 engaged in the robbery, that he was homeless, but that

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1 information was provided to the Court so the Court has a full  
2 understanding of his journey and the circumstances which led  
3 him to be before you at this time.

4 Judge, I have come to know Mr. Ratliff over the  
5 duration of the time that I have been representing him. Not  
6 only is he disappointed, particularly because his mother has  
7 tried very hard with him. In fact, she has had occasions where  
8 she has worked three jobs just to make sure that he and his  
9 brother did the right thing. She has moved several times, as I  
10 have stated in my written submission, just to make sure that  
11 they walked a straight line and they didn't become a product of  
12 the streets. In fact, she would often say to me I moved so  
13 many times, I worked as hard as I did, because I didn't want  
14 the streets to get my child. But here we are, Judge.

15 And, you know, she's -- I would think she's succeeded  
16 significantly with that, because for a large part of his life,  
17 he was a star basketball player with great possibilities ahead  
18 of him. So much so that he was also asked to coach the younger  
19 inner city kids. And so Mr. Ratliff sits here and recognizes  
20 his predicament before the Court, and recognizes the crime that  
21 he has committed. I have asked him on many occasions: Having  
22 been here now, what is it that you want to do with your life.

23 And, first and foremost, he has expressed to me that  
24 he wants to be the father to his son that his father never was  
25 to him. I have asked him, what exactly does that mean. And he

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1 has expressed to me that he wants to be a role model for his  
2 son. And I challenged Mr. Ratliff on a very fundamental level  
3 that if you are going to walk the walk and talk the talk, to  
4 start somewhere. And I challenged him to get his GED in short  
5 order. And I am very proud to stand here and say he did. I do  
6 not have the certificate with me, he got it last week. But  
7 apparently this morning he was informed by the Bureau of  
8 Prisons that it is not legal paperwork, so he couldn't take it.  
9 But as an officer of the Court, I am standing here and telling  
10 you that he, in fact, did get his GED.

11 THE COURT: I don't quite understand.

12 MS. TODD: Took his GED and passed it, but as the  
13 Court will recall from my submission, he dropped out of high  
14 school --

15 THE COURT: I remember.

16 MS. TODD: And so he actually enrolled in the classes  
17 and took the classes, took the exam, and was awarded a  
18 certificate.

19 Was it last week?

20 THE DEFENDANT: Last Monday.

21 MS. TODD: Last Monday.

22 THE COURT: And then but I --

23 MS. TODD: He wanted to bring it today as proof, but  
24 he was told that it is not legal paperwork and so he couldn't  
25 take it to Court. That's what he represented to me.

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1 THE COURT: It is not legal to what?

2 MS. TODD: Legal paperwork. So he was not allowed to  
3 bring it to Court this morning.

4 THE COURT: Oh.

5 MS. TODD: But I'm representing to the Court, that he  
6 in fact succeeded --

7 THE COURT: You mean the Bureau of Prisons regulations  
8 prevented him from bringing evidence of his GED to the Court?

9 MS. TODD: That's what he told me. And I don't know  
10 if it is a regulation, because my experience, I have had other  
11 individuals bring it to Court. So it might be just that  
12 particular individual that he interacted with today.

13 And so, Judge, I just wanted to highlight that for the  
14 Court because, for him, that's quite an achievement.

15 THE COURT: Yes, it is.

16 MS. TODD: And as the Court reviewed his work  
17 performance sheet, it is nothing but excellent. He follows  
18 orders, does what he is told to do, does it with little  
19 supervision, and is considered a good worker.

20 Your Honor, the Department of Probation has suggested  
21 a guidelines sentence. And they recommended the 33 months. I  
22 am asking the Court to consider the circumstances of Mr.  
23 Ratliff's life, his journey before the Court and the real fact  
24 that he also has an open case in state Court, in all candor, I  
25 have spoken with the judge who is presiding over this case and

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1 Mr. Ratliff will be entering a plea very shortly within the  
2 next several days. And he is exposed to a mandatory minimum of  
3 five years. So in conjunction with this sentence, he is  
4 looking at a significant amount of time. And so, Judge, given  
5 the fact --

6 THE COURT: What is the charge, what is the charge in  
7 the State?

8 MS. TODD: Attempted robbery.

9 He was, as the Court recalls, he was brought in -- he  
10 was incarcerated on that charge when he was brought into  
11 federal custody.

12 And so, Judge, I would ask the Court to consider --

13 THE COURT: What is the date of that charge that he is  
14 charged in, what date is involved?

15 MS. TODD: The attempted robbery was sometime in  
16 October of 2013, I believe.

17 THE COURT: And this one was?

18 MS. TODD: July of two thousand --

19 MR. COOPER: July 1, 2013, your Honor.

20 MS. TODD: And so, Judge, I'm asking you to consider  
21 all of the circumstances. He was not a manager in this case,  
22 not a leader, didn't get any money or any of the spoils from  
23 the robbery.

24 THE COURT: Which one are you talking about?

25 MS. TODD: I'm speaking of the case before the Court,



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1 this case. The attempted robbery was a failed robbery. They  
2 did not steal anything in that case.

3 Similar to this type of robbery. I'm being very  
4 candid with the Court.

5 THE COURT: Well, I thought there was \$200,000 that --

6 MS. TODD: On this case, Judge.

7 THE COURT: On this case.

8 MS. TODD: But what I'm saying is, he was not a  
9 leader, not a manager, and he got \$500 on this case.

10 THE COURT: And what about the other case?

11 MS. TODD: The other case, the robbery was not  
12 successful, which is why he was charged with, along with the  
13 other defendants, attempted robbery.

14 So Judge, I'm asking you to take all of the  
15 circumstances into consideration, and I'm asking the Court to  
16 sentence Mr. Ratliff to a below-guidelines sentence. Because I  
17 believe that, given all of the circumstances, his role, nobody  
18 was physically harmed, that a below guidelines sentence is a  
19 reasonable sentence and would not be greater than necessary in  
20 punishing him.

21 Thank you.

22 THE COURT: What --

23 MS. TODD: I'm sorry, go ahead.

24 THE COURT: Does he have any other convictions than  
25 those two, the two crimes that you are mentioning?

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1 MS. TODD: On November 17, 2011, he was sentenced as a  
2 youthful offender in King's County Criminal Court, your Honor.  
3 And that was for robbery in the third degree.

4 My understanding is the facts of that case involved  
5 delivery of food; not paying for food.

6 THE COURT: I see. And he wasn't charged with  
7 possession of a weapon at that time.

8 MS. TODD: If the Court will give me a minute, Judge.  
9 He was not charged with possession of the gun.

10 THE COURT: And I gather as a youthful offender.

11 MS. TODD: Yes, your Honor.

12 THE COURT: So it is under 20 or 19?

13 MS. TODD: At the time?

14 THE COURT: Yeah.

15 MS. TODD: Nineteen.

16 THE COURT: What about this marijuana charge.

17 MS. TODD: He received an adjournment in contemplation  
18 of dismissal.

19 THE COURT: Not a large amount.

20 MS. TODD: No, Judge. Cigarette. So the case was  
21 dismissed after six months.

22 THE COURT: So he faces a mandatory five years in the  
23 State.

24 MS. TODD: Yes, your Honor. And the judge has  
25 promised that is what he will give him. And, at some point,

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1 Mr. Ratliff wishes to address the Court.

2 THE COURT: He is going to. I am just trying to  
3 think, and trying to think about the consequences here. And  
4 the impact of the federal conviction over what is apparently --  
5 I mean this conviction, and whatever I impose in a way of  
6 punishment, or whether I should impose punishment terms, when  
7 he is facing this five years on the attempted robbery.

8 MS. TODD: Let me go back, just so the Court knows.

9 THE COURT: And maybe you could -- you must have  
10 thought about this, so what guidance can you give me?

11 MS. TODD: I'm sorry, your Honor?

12 THE COURT: You might have thought about this.

13 MS. TODD: I have, your Honor. And the argument that  
14 I have been trying to convince the Court is that when the Court  
15 takes everything together, whatever the Court -- a sentence  
16 below the guidelines, in addition to the five years that he  
17 will get, is a substantial sentence. And I know the government  
18 is likely thinking you should focus only on this case. But the  
19 case law says that the Court should take into consideration the  
20 history and characteristics of the defendant.

21 THE COURT: I know that.

22 MS. TODD: Which includes everything. And so I am  
23 thinking the five years and a below guidelines sentence is a  
24 substantial sentence.

25 THE COURT: Yes.

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1 MS. TODD: 33 months is a significant sentence. And  
2 I'm not asking the Court to give him time served or anything  
3 like that.

4 THE COURT: But what you are asking me, what you're  
5 asking me is to -- I guess I should leave the rehabilitation of  
6 this defendant to the State prison system. And what I'm  
7 concerned about is whether -- what I'm interested in is this  
8 man taking steps to turn himself around.

9 MS. TODD: And --

10 THE COURT: To get out of this trouble he is in.

11 MS. TODD: And --

12 THE COURT: And he has got to.

13 MS. TODD: I'm sorry?

14 THE COURT: He has problems. Because it's hard to get  
15 a job, once you have got these robberies on your record. You  
16 won't be employable. Many employers, the State wouldn't employ  
17 you. A lot of government programs wouldn't employ you. So you  
18 have to look to where you can get employment, and what kind of  
19 skills you want to develop to be able to accept a job in those  
20 circumstances.

21 But you've got to train yourself. Now, you have a  
22 GED, that's good. You may have other problems, I don't know.  
23 Do you have an anger management problem? Do you have a problem  
24 with attitude? I don't know. In other words, the people who  
25 come before me who have lived in the hood for a number of years

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1 and dropped out of school they are "their own man." And they  
2 don't want to be told anything by anyone. They think that is  
3 manly. Can't take orders from women. They think that's manly,  
4 because that shows they are their own man. But you can't get a  
5 job and hold it if you have those attitudinal problems.

6 Now, I don't know whether you have those problems or  
7 not. But now is the time when you want to address them, if you  
8 do. For instance, I mean --

9 MS. TODD: I do want to address one thing.

10 THE COURT: You were in the MCC, evidently. And you  
11 were in the, I guess in the GED, in the GED group. I have been  
12 over there several times. And you may have been there while I  
13 was there. But you have to have more than a GED. And one of  
14 the things you have to have is something that has got an awful  
15 name. It's called cognitive behavior training. And what's  
16 that mean? Well, it means what I have been talking about. Do  
17 you have an anger management problem, do you have a male/female  
18 problem, that you have to be your own man and show you're a man  
19 at all times. Because, nowadays in jobs, there are a lot of  
20 women that are your boss. And you have got to take orders from  
21 women now, like Ms. Todd here.

22 Now, I don't know what you need, and I don't know  
23 whether it is wise for -- I'm willing to give you the tools.  
24 In other words, to order them. That means you would be in  
25 the -- you would get your training by the U.S. prison system.

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1 But maybe you should get state prison system, maybe that is  
2 better. They can give training, too. And they have training,  
3 too. But I don't know how to fit my sentence, whatever it may  
4 be, in with their sentence so that it is to your benefit. And  
5 that's what I am asking Ms. Todd about.

6 MS. TODD: I think it's a difficult task. I've spoken  
7 with the judge in state court. And I have been led to believe  
8 that whatever sentence your Honor imposes, the judge in the  
9 State Court will run it concurrent. He did feel that the five  
10 year mandatory minimum for an attempted robbery was  
11 substantial, but he is bound by the law and so there is nothing  
12 he can do about that.

13 THE COURT: That's right.

14 MS. TODD: And so that's where we are. But I wanted  
15 to just express two other points that the Court raised.

16 THE COURT: But what kind of programs do they have  
17 over there?

18 MS. TODD: Educational programs.

19 THE COURT: What kind of programs?

20 MS. TODD: They have got computer programs.

21 THE COURT: Are they programs that will help this man?

22 MS. TODD: Yes, your Honor. They have computer  
23 programs, which he has expressed a desire to learn computers.

24 THE COURT: I saw that.

25 MS. TODD: That, he wants to do. To the extent

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1 specifically what he wants to do with that, he does not know.  
2 But they have programming. They have repairs in computers,  
3 repair classes, which he is very much interested in computer  
4 repairs. They also have social work type programs. His  
5 alternative, he expressed to me, was that he wanted to be able  
6 to speak to at risk kids like himself, and explain to them that  
7 they shouldn't take the path that he has taken. And he is very  
8 much interested in that.

9 I have had numerous conversations with him. And I  
10 can't tell the Court that it will work out exactly as what he  
11 says, because we don't know that. But what I have found in  
12 speaking with him, is a genuine desire to be a different person  
13 going forward. And his mom has moved out of the neighborhood  
14 and now lives in New Jersey, so that might help somewhat. And  
15 Judge, that's pretty much all I can say. I don't know what  
16 other programs, but the programs he has expressed I have made  
17 some phone calls and inquired and they exist and they do --

18 THE COURT: You don't know whether the federal  
19 computer programs that are given in prison are superior or  
20 worse than the State programs?

21 MS. TODD: I do not know that, your Honor. I don't  
22 know that.

23 THE COURT: Okay. All right.

24 MS. TODD: Thank you.

25 THE COURT: Mr. Cooper.

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1 MR. COOPER: Yes, your Honor.

2 I just want to make a few points, in addition to the  
3 sentencing submission. I won't belabor the points that were in  
4 the government's submission.

5 First, on this issue about the potential state  
6 sentence. Obviously, as stated in the government's sentencing  
7 submission, we believe that a guidelines sentence is  
8 appropriate here, a sentence within the guidelines range.

9 This Court is the first sentencing court for the  
10 defendant. We're not in a situation where the State Court has  
11 already sentenced the defendant to a term of imprisonment. If  
12 that had happened, then the defendant's criminal history would  
13 be different from what his criminal history is now, and his  
14 guidelines would likely be higher. So we're not in that  
15 situation. And the government would urge the Court to issue a  
16 sentence that the Court would give, absent that pending state  
17 case, because as Ms. Todd acknowledged, the state Court could  
18 very well run the state term of imprisonment concurrent to the  
19 federal term of imprisonment. And that's a decision that the  
20 latter sentencing Court, which here would be the state court,  
21 is in a position to do.

22 What your Honor has before the Court now, is a  
23 defendant who has pled guilty in this case, and is being  
24 sentenced on this case. And down the road at some point,  
25 apparently in November, he may plead guilty and may be



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1 sentenced on a separate case.

2 So we believe that all that speaks to the importance  
3 of the Court pronouncing a sentence in this case, based on the  
4 characteristics of the defendant as Ms. Todd points to in her  
5 submission, and the defendant's criminal history, and the very  
6 serious nature of this crime.

7 So on that front, your Honor, I would like to make two  
8 additional points.

9 First, as your Honor can see from the defendant's  
10 criminal history, there is a 2011 conviction for robbery in the  
11 third degree in the state for which the defendant was sentenced  
12 to one year of imprisonment, and probation after that.

13 Obviously, something has not gotten through to the  
14 defendant, as a result of that term of imprisonment, and that  
15 experience with the criminal justice system which we believe  
16 only speaks to the need for a sentence of imprisonment within  
17 the guidelines range here, for deterrent purposes, because  
18 prior efforts at deterrence have obviously not been successful.

19 Second, I want to underscore what we say in our  
20 sentencing submission about the seriousness of this offense.  
21 Because I believe that when looking at the complaint and the  
22 presentence investigation report here, and even reading the  
23 sentencing submissions, the inherent dangerousness of these  
24 types of robberies is not entirely clear.

25 Now, the defendant pled guilty to his participation in

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1 a robbery in Atlantic City in July of 2013. It was a daylight  
2 robbery. It was in a crowded jewelry store and crowded casino  
3 in Atlantic City where hammers were used to smash the glass by  
4 the robbers, take the watches, and run from the store.

5 There are, as your Honor is well aware, other  
6 robberies that are charged as part of this conspiracy. To be  
7 clear, this defendant is not charged in those robberies, so we  
8 do not believe he participated in them. But the circumstances  
9 of how some of those other robberies went, I believe, are  
10 relevant to the determination of how dangerous it is to go into  
11 a jewelry store during working hours and commit one of these  
12 robberies.

13 There was a robbery -- and, again, the defendant is  
14 not charged in this robbery. We do not believe he participated  
15 in it. But there was a robbery in Cranford, New Jersey that's  
16 part of this conspiracy. And other defendants are charged in  
17 where, when the robbers went in, your Honor, one of the stores  
18 employees was so frightened, he took a gun that he had for  
19 protection and fired it. Luckily, nobody was hit.

20 There is another robbery that is part of this  
21 conspiracy, and we point to this in our sentencing submission,  
22 in September of last year. Again, this defendant was not a  
23 part of that robbery, but as part of this conspiracy --

24 THE COURT: Is it part of this conspiracy?

25 MR. COOPER: It's part of the broader conspiracy that

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1 is in this indictment.

2 THE COURT: But is he a participant?

3 MR. COOPER: No. To be clear, no.

4 THE COURT: All right.

5 MR. COOPER: But I think it underscores how dangerous  
6 these types of robberies are. And that's really the only point  
7 that I am trying to make.

8 THE COURT: No question about it, robberies being  
9 dangerous. But robbery involves the use of force. And, well,  
10 they are dangerous, there is no question. Especially if they  
11 are carried out with a weapon. But that's one of the problems  
12 I have with the presentence report. It's sloppy.

13 Look at the way they -- and you quoted it, the sloppy  
14 part, in your sentencing memorandum. It encompasses all of  
15 these people who have individual responsibilities for what they  
16 did, no question about it. And they have had to be held  
17 accountable. But my recollection is that this is the one that  
18 copies the section Mr. Thomas has here -- Mr. Thomas, being the  
19 probation officer. And I think it is the offense conduct. The  
20 offense conduct, page 4: In late 2013, law enforcement agents  
21 began investigating a pattern of robberies of jewelry stores  
22 across several states that included New York, New Jersey, and  
23 Virginia. During the course of these robberies, the robbers  
24 identified as Alan Williams, Roberto Grant, Tyrone Dehoyes  
25 Rollie Hanson, Terrell Radcliffe, Ronald McIntyre, and Kendal

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1 Thompson, and Shawn Robinson, would enter jewelry stores during  
2 business hours when customers, employees were present, target  
3 the high end watch display cases, take out hammers that are  
4 concealed, and use those hammers to the smash the cases. They  
5 would grab as many watches as they could, and then run out of  
6 the store into awaiting cars.

7 Well, that's a generalization of what happened on all  
8 of the robberies, supposedly. Well, it is not quite accurate.  
9 And when I was brought up as a prosecutor, accuracy was the  
10 essence of what you had to be.

11 Now, this man was engaged in an Atlantic City robbery.  
12 I have to look at his October 23rd, 2000 -- oh, that's a  
13 sentence.

14 MS. TODD: July 1st robbery, your Honor.

15 THE COURT: It is July 1st. And what are the others,  
16 what dates are the others? I don't have the charging  
17 instrument, the indictment. But I think they were on different  
18 dates.

19 MS. TODD: They are on different dates. But to be  
20 clear, Mr. Ratliff was not involved in any of the other  
21 robberies.

22 THE COURT: I know.

23 MS. TODD: Does the Court wish to -- I do have a copy  
24 of the indictment.

25 THE COURT: That's what I'm pointing out. And what

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1 I'm here to see is he is not prejudiced by that, the way it is  
2 worded. Now, so I'm not going to sentence him in connection  
3 with those other robberies, or the guns that were carried in  
4 the other robberies but, apparently, were not carried -- or  
5 were not fired here.

6 MR. COOPER: To be clear, your Honor, the only point  
7 that I was trying to make was that these robberies carry with  
8 them an inherent danger and inherent risk and I --

9 THE COURT: I know that.

10 MR. COOPER: -- I can see I have made that point.

11 Unless the Court has any other questions, we'll rest  
12 on that and our submission.

13 THE COURT: All right.

14 Mr. Ratliff, would you like to say something in your  
15 own behalf --

16 THE DEFENDANT: Yes, sir.

17 THE COURT: -- before I try and wrestle with this  
18 thing.

19 THE DEFENDANT: First of all, I want to apologize.

20 THE COURT: You have to talk up a little louder,  
21 because I am not -- you're taller than the microphone.

22 THE DEFENDANT: First of all, I want to apologize to  
23 the Court and my family for putting them through this.

24 THE COURT: You want to apologize for?

25 THE DEFENDANT: For my wrongs in this case that I'm

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1 in. This is a lesson learned. I'm learning. I'm still a  
2 young man. I'm not going to use that as an excuse, but I'm  
3 learning. And all I want to do is say thank you to the Court  
4 for me being here to learn this lesson. Because if I wasn't  
5 here, I don't know where I would be at right now.

6 So that's all I want to say, is that I apologize for  
7 everything I did wrong.

8 And I just want to be the best father I can be to my  
9 son. That's all. I don't want to be nothing else, but a dad  
10 to my son. So, I just want to apologize for my wrongs, again.

11 And that's it.

12 THE COURT: What kind of a life do you want to live?

13 THE DEFENDANT: I want to live a life that I don't  
14 have to worry about coming to jail, or somebody trying to take  
15 my life away from me. I just want to live a straight and  
16 narrow life.

17 THE COURT: So how are you going to go about changing  
18 it?

19 THE DEFENDANT: By keep doing things I have been doing  
20 while I have been in here, which is walking straight and not  
21 walking sideways no more.

22 THE COURT: So what are you going to do about it?

23 THE DEFENDANT: I'll make sure I do that; programming,  
24 working. Just everything that is gonna keep me away from the  
25 streets.

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Sentence

1 THE COURT: And how are you going to go about trying  
2 to make sure you don't get into this -- what I call a -- well,  
3 just doing this again and again because it's the easy way to  
4 get money.

5 THE DEFENDANT: I'm just going to just make sure  
6 that -- that if it's leaning that way, I'll just walk about the  
7 other way.

8 THE COURT: What about programs, what about education?

9 THE DEFENDANT: Yeah, that's what --

10 THE COURT: What about something that you could learn  
11 a trade?

12 THE DEFENDANT: That's what I'm interested in;  
13 computers, repairing them and all that. I just -- I just --

14 THE COURT: You got an interest in computers?

15 THE DEFENDANT: Yeah, a lot.

16 THE COURT: What else? Anything else?

17 THE DEFENDANT: Other than that, and just working with  
18 kids that was going where I was going.

19 THE COURT: Uh-huh.

20 THE DEFENDANT: But I feel that would be my blessing.

21 THE COURT: Well, you know, they are going to have  
22 problems with you working with kids. The government runs most  
23 of those programs. And they'll say this man has a criminal  
24 record, we don't want him working with the kids. And so you --  
25 I don't know that that is true in every case, but a lot of

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1 places, you got to -- now, you have made a record, they won't  
2 employ you. And so you have to find places where they will  
3 employ you. And that's hard to know.

4 Now, if this was my case, because it really isn't, it  
5 is really the State Court judge that comes after me. If this  
6 were my case, I would get you into a program that -- well,  
7 there are several. But I would get you into a program where  
8 you would learn computers. And they would help move you into  
9 the right place to apply for jobs so that you don't have your  
10 criminal record as a absolute bar.

11 I had a man in here, older than you in another case.  
12 It was Hobbs Act robbery case. And he was 43 or so. And he  
13 was married. And, luckily, his wife was, well, pretty well  
14 employed. And she had a computer in the home. So he made all  
15 his applications for jobs through the computer. So his lawyer  
16 was able to pull up all of the applications he had made for  
17 jobs and had been turned down on. And, as a result, I saw how  
18 hard it is when you have a criminal record to get a job at all.  
19 I sent him to a place where you get retrained, he could get  
20 education. And that place was called The Fortune Society. And  
21 they -- they have work programs for people to learn skills,  
22 know how to present yourself for a job; things like that. So  
23 if I were the person who was calling the shots -- and I can't  
24 be, the state Court judge is the judge who will call the shots  
25 here. But this man got, well, we thought it was a strained



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1 ankle. But the doctors looked at it and turned out to be a  
2 broken ankle. And he -- so I released him to go into this  
3 program. So he went to the program on crutches, all of the way  
4 from Newark, where he lived, to Queens, where the Fortune  
5 Society was. And he attended all of the programs. And he  
6 attended what he needed in order to be a good employee. And he  
7 got a job. Now, it took six months, but he got a pretty good  
8 job, and everything is working out all right.

9 But that's the call of the next judge. And all I can  
10 do is give you the sentence that you have, and assistance in  
11 getting some programs that may help you.

12 Now, does this man need anything in connection with  
13 anger management?

14 MS. TODD: No, your Honor. My interaction with him,  
15 he has been nothing but a gentleman. I have detected nothing  
16 like that at all.

17 THE COURT: Does he resent instruction from women?

18 MS. TODD: No, I would say that we had a pretty good  
19 relationship. He listens. I did express that, when he comes  
20 out, if he needs help, I am here. And I mean that. Because I  
21 see, in him, a determination to make a change.

22 THE COURT: All right.

23 THE DEPUTY CLERK: I'm not sure if Mr. Ratliff is  
24 finished.

25 MS. TODD: He's done.

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Sentence

1 THE COURT: Oh, okay. I'm going to sentence you to --  
2 Are you ready?

3 THE DEFENDANT: Yes.

4 THE COURT: -- to the minimum, 33 months, due to the  
5 fact you have got a state sentence. I don't mind. I am  
6 perfectly happy, if it is not consecutive with your State  
7 incoming state sentence, because it is concurrent with it. But  
8 that's up to the judge in the State Court system. But just so  
9 you have the record, Ms. Todd, I would have no objection to it.

10 MS. TODD: Thank you, your Honor.

11 THE COURT: I do want you to engage in prison and  
12 computer training, learning about computers, whatever programs  
13 they have. And any other programs you have an interest in.

14 So, while you are in prison, there is another -- I  
15 think -- I hope that they will offer you those programs,  
16 because they don't have them at every prison. This would give  
17 you a head start on -- you have got quite a time ahead of you.  
18 Give you a head start of getting a trade. And I think it would  
19 be wise to take something that teaches you how to present  
20 yourself as a person who as who has a record, but who wants  
21 work. There are ways you can do that. You don't have to learn  
22 them on your own. People can teach you how you should present  
23 yourself, so you have a fair chance of getting a job.

24 So the sentence on count one is 33 months. And I  
25 don't think it is wise for me to -- I don't know, supervised

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Sentence

1 release, I guess, for two years.

2 Is the government seeking restitution?

3 MR. COOPER: Yes, your Honor. I have discussed the  
4 restitution amount with defense counsel. I know in the  
5 presentence report it says \$200,000. We are attempting to  
6 determine, from the store, the precise value of the watches  
7 that were stolen. So we would ask both for forfeiture and  
8 restitution, that the Court orally pronounce those as part of  
9 Mr. Ratliff's sentence, with a conforming order to be submitted  
10 to the Court after this proceeding.

11 THE COURT: Would that be joint and several with the  
12 other defendants?

13 MR. COOPER: I believe that the restitution portion of  
14 it would be joint and several, your Honor. I believe so.

15 THE COURT: Joint and several with Alan Williams, I  
16 don't know, is he in count one? Not sure which defendants it  
17 would be joint and several with. He was only in one robbery.

18 MR. COOPER: That's right, your Honor. And I believe,  
19 I don't have the charging instrument in front of me, but I  
20 believe four defendants are charged as participating in that  
21 robbery. Mr. Ratliff, as well as Alan Williams, Roberto Grant,  
22 and Sean Robinson. Mr. Williams and Mr. Grant have already  
23 pled guilty in this case. Mr. Robinson has not pled guilty.

24 THE COURT: I don't want to make any mistakes. I have  
25 the charging instrument right here, so you can look at it,

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Sentence

1 Mr. Cooper.

2 Do you want to look at the charging instrument?

3 MR. COOPER: Thank you, your Honor. So, your Honor,  
4 just to clarify --

5 THE COURT: Yes.

6 MR. COOPER: -- the robbery in which Mr. Ratliff  
7 participated was the July 1st, 2013 robbery of a jewelry store  
8 in the Borgata Casino in Atlantic City. The substantive count  
9 relating to that robbery is count three.

10 Now, the count of conviction here is count one, which  
11 is the conspiracy. But the government is seeking restitution  
12 in the forfeiture from Mr. Ratliff in connection with the  
13 robbery that he participated in, which was the Atlantic City  
14 robbery. Four individuals are charged in that robbery right  
15 now. Those four are Mr. Ratliff, Mr. Williams, Mr. Grant, and  
16 Mr. Robinson. The first three defendants have already pleaded  
17 guilty. Mr. Ratliff is the first to be sentenced.

18 THE COURT: All right. Restitution would be joint and  
19 several with Alan Williams, Roberto Grant, Sean Robinson, and  
20 Mr. Ratliff.

21 And if you need job training when you leave, I will  
22 refer you to The Fortune Society. And you can ask me to --  
23 which specializes in people who have convictions and training  
24 them for jobs. So you can resort to that if you don't have  
25 other employment.

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1 And let me see if I have a couple of more.

2 Did I give you supervised release for two years?

3 THE DEPUTY CLERK: Yes. I don't think you gave the  
4 conditions of supervised release or the mandatory special  
5 assessment.

6 THE COURT: For up to two years, if you don't have  
7 supervised release with the state.

8 MS. TODD: The state is different, your Honor, I'm  
9 sorry.

10 THE COURT: I know.

11 MS. TODD: He gets five on the state, mandatory.

12 THE COURT: Mandatory supervised release?

13 MS. TODD: Mandatory five years jail, mandatory five  
14 years supervision.

15 THE COURT: Okay, then I won't give it. Except it  
16 could be concurrent with -- I don't know whether the programs,  
17 it's matter of knowing about programs --

18 MS. TODD: If I may, Judge, the --

19 THE COURT: -- that are overwhelmed. When I was  
20 practicing --

21 MS. TODD: The jail sentence will be concurrent, but  
22 the supervision will not. That's been my experience. So  
23 whatever it is that this Court decides on supervision, that is  
24 what he will be supervised, that period of time. And whatever  
25 it is that is decided in state Court, which is going to be five

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1 years, that's what it is. So it will be seven years, combined.

2 THE COURT: I don't want to impose any supervised  
3 release, then, in this Court. That's enough.

4 The mandatory conditions, does he have a drug problem?

5 MS. TODD: Marijuana, your Honor.

6 THE COURT: The condition of his sentence will be that  
7 he take drug treatment from for marijuana or any other --

8 MS. TODD: No, your Honor.

9 THE COURT: Oh, a condition will be that he be treated  
10 for marijuana use while he is in prison. Since he is gonna be  
11 supervised there, I'm not going to impose the conditions of  
12 supervision that I normally impose.

13 Special assessment of \$100 is mandatory.

14 How long do you want to pay that, Ms. Todd?

15 MS. TODD: Just a moment, your Honor.

16 A month, your Honor.

17 THE COURT: All right. It will be payable in 30 days.

18 And the defendant will notify the United States  
19 Attorney's Office for this district within 30 days of any  
20 change of mailing or resident address that occurs while any  
21 portion of the restitution remains unpaid.

22 If the defendant is engaged in the Bureau of Prisons  
23 non UNICORE work program, he will pay \$25 per quarter toward  
24 the criminal financial penalties.

25 However, if he participates in Bureau of Prison's

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1 UNICORE program as grade one through four, he shall pay  
2 50 percent of his monthly UNICORE earnings towards the criminal  
3 financial penalties, consistent with BOP regulations at 28 Code  
4 of Federal Regulations, paragraph 54511. And it will be  
5 forfeiture of up to the forfeiture amount set by the Court.

6 A forfeiture and order in 90 days.

7 I don't think the defendant has the ability to pay a  
8 fine, and I'm not going to order a fine in view of the other  
9 financial penalties.

10 I guess that's the sentence of the Court, Mr. Ratliff.

11 And I don't know what to say to you. I always try and  
12 say something. But, now is the time to turn yourself around.  
13 Now is the time to make -- it's hard. And it's hard because,  
14 for one thing, you have friends wherever you come from. And  
15 those friends may not be trying to turn themselves around. So,  
16 they will a say, well, come on, come on, let's have a smoke,  
17 pot, let's have a drink. Well, you've got to stay away from  
18 those guys. Because when they smoke pot, they dream up some  
19 scheme or something to get into, that isn't good. And you  
20 gotta be wary of your friends, unfortunately. Because they are  
21 the ones that will get you back into trouble. And a lot of  
22 people say the best thing to do is move out of the  
23 neighborhood, go to some other neighborhood where you don't  
24 know anyone and you have a better chance of living crime free.

25 Unfortunately, your old friends who have committed

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1 crimes are bad companions, usually, because not all of them,  
2 very few of them, make the real fight. It takes a fight, it  
3 takes strength of character to say, no, I'm not getting  
4 involved; no, I'm not going to do that, I'm thinking of my kid,  
5 I want the take care of my kid; and I'm thinking of my mother  
6 and all of the sacrifices she did for me. And I want to live  
7 up to her standard, and my standards, for being a father. And  
8 I wish you luck, I think you can do it. You have to be strong.  
9 That's why I bring up the fist and say it that way. That's the  
10 kind of strength you have to show.

11 THE DEFENDANT: Thank you.

12 THE COURT: Okay. Good luck over in State Court.

13 THE DEFENDANT: Thank you, your Honor.

14 MS. TODD: Thank you, your Honor.

15 I have one more request for the Court. That I would  
16 ask that the Court designate the New York City area for  
17 placement, would recommend that to the BOP so that his family  
18 can have access to him. I also ask the Court to have him stay  
19 at MCC, so that it will be easy for the Court to get him in the  
20 next several days.

21 THE COURT: What's his schedule?

22 MS. TODD: November 5th, we go back to the State  
23 Court. So I would ask that the -- Court I don't know how to do  
24 that, but stay the order so that he is not transferred.

25 THE COURT: I'll ask the Bureau of Prisons to stay his



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1 removal from the MCC.

2 MS. TODD: Thank you, your Honor.

3 THE COURT: For a month. How's that?

4 MS. TODD: Yes, thank you.

5 THE COURT: Okay. Anything else.

6 MR. COOPER: No, your Honor.

7 Two things. First, there was a plea agreement here  
8 but. We would ask the Court to advise the defendant, to the  
9 extent he retains a right to appeal, of his right to appeal  
10 from the sentence.

11 THE COURT: Yeah.

12 You have 14 days to file a notice of appeal. And all  
13 you have to do is write to the Court and say, I appeal. From  
14 your sentence or from your conviction, either one. And that  
15 will be sufficient. But you have to do that within 14 days.  
16 If you don't, the Court of Appeals will say that you lost your  
17 right, because you didn't file within that 14 day period.

18 So, if you want to appeal anything about your  
19 conviction, just write the Clerk, United States District Court,  
20 Southern District of New York, and say, I appeal. That will  
21 save you from, if you want to appeal anything about this case.

22 MR. COOPER: Your Honor, the government would also  
23 move to dismiss all open counts and underlying indictments with  
24 respect to Mr. Ratliff.

25 THE COURT: Motion granted.

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1 MR. COOPER: Thank you, your Honor.  
2 THE COURT: Uh-huh. All right, Ms. Todd?  
3 MS. TODD: Yes, your Honor, thank you.  
4 THE COURT: All right.  
5 THE DEFENDANT: Thank you.  
6 THE COURT: Thank you, Mr. Ratliff. And Ms. Todd.  
7 (Adjourned)

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